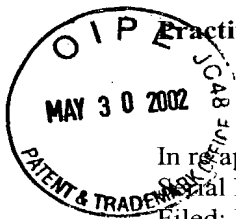


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Practitioner's Docket No. U 013886-1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **FRED OSWALD**  
Serial No.: 10/083,716  
Filed: February 25, 2002  
For: VIBRATOR

Group No.: 1723  
Examiner: --

**Box Missing Part**  
**Assistant Commissioner for Patents**  
**Washington, D.C. 20231**

**COMPLETION OF FILING REQUIREMENTS**  
**-- NONPROVISIONAL APPLICATION**

*(check and complete this item, if applicable)*

- I.** This replies to the Notice to File Missing Parts of Application (PTO-1533) **or** Notice of Informal Application **or** Notice to file corrected applications papers mailed March 25, 2002.

*NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added*

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional )*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

**37 C.F.R. 1.8(a)**

**37 C.F.R. 1.10\***

- ☒ with sufficient postage as first class mail

- ☐ as "Express Mail Post Office to Address"  
Mailing Label No. \_\_\_\_\_ (**mandatory**)

**TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: May 24, 2002

Signature

PETER D. GALLOWAY

*(type or print name of person certifying)*

**\*WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

*"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct 24, 1996, 60 Fed Reg 56,439, at 56,442.*

☒ A copy of the Notice is enclosed.

*NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application*

## DECLARATION OR OATH

**II.** (a) ☒ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

*NOTE: If the correct inventor or inventors are not named on filing a nonprovisional application under Section 1.53(b) without an executed oath or declaration under Section 1.63, the later submission of an executed oath or declaration under Section 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. Section 1.48(f)(1)*

## OR

(b) ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

*NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below*

*NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63.*

- (A) application number (consisting of the series code and the serial number, e.g., 08/123,456),*
  - (B) serial number and filing date,*
  - (C) attorney docket number which was on the specification as filed,*
  - (D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration, or*
  - (E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration*
- M.P.E.P. Section 601.01(a), 7th ed.*

*NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. Section 1.10(c).*

*(complete as applicable)*

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.
- (e) ☐ Statement that substitute specification contains no new matter.
- (f) ☒ Preliminary Amendment
- (g) ☒ Transmittal of Formal Drawing(s) Prior to Notice of Allowance
- (h) ☐ Submission of "Sequence Listing," computer readable copy, and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence

**AMENDMENT TO CLAIMS**

**III.** ☐ Cancel claims \_\_\_\_\_ inclusive.

**TRANSMITTAL OF ENGLISH TRANSLATION  
OF NON-ENGLISH LANGUAGE PAPERS**

**IV.** ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

*NOTE. For fee processing a non-English application, complete item VI(5) below*

*NOTE. A non-English oath or declaration in the form provided or approved by the PTO need not be translated 37 C.F.R. Section 1.69(b)*

**SMALL ENTITY STATUS**

**V.** ☒ A statement that this filing is by a small entity

*(check and complete applicable items)*

☒ is attached.

☐ A separate refund request accompanies this paper.

☐ was filed on \_\_\_\_\_ (original).

**COMPLETION FEES****VI.**

**WARNING:** *Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. Section 1.53.*

*NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. Section 1.28(a).*

**1. Filing fee**

<input checked="" type="checkbox"/> original patent application (37 C.F.R. Section 1.16(a)--\$740.00; small entity--\$370)	\$ <u>370.00</u>
<input type="checkbox"/> design application (37 C.F.R. Section 1.16(f)--\$330; small entity--\$165)	\$ _____

2. Fees for claims

- ☒ each independent claim in excess of 3  
(37 C.F.R. Section 1.16(b)--\$84; small entity--\$42) \$ 126.00
- ☒ each claim in excess of 20  
(37 C.F.R. Section 1.16(c)--\$18; small entity--\$9) \$ 171.00
- ☐ multiple dependent claim(s)  
(37 C.F.R. Section 1.16(d)--\$280; small entity--\$140) \$ \_\_\_\_\_

3. Surcharge fees

- ☒ late payment of filing fee and/or late filing of original declaration or oath  
(37 C.F.R. Section 1.16(e)--\$130; small entity--\$65) \$ 65.00

*NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.*

*NOTE: If both the filing fee and declaration or oath were missing from the original papers, the Office practice under 37 C.F.R. Section 1.16(e) is that only one surcharge fee need be paid whether the later filed oath or declaration and/or the filing fee are submitted afterwards at the same time or at different times.*

4. ☐ Petition and fee for filing by other than  
all the inventors or a person not the inventor  
(37 C.F.R. Sections 1.17(i) and 1.47--\$130) \$ \_\_\_\_\_
5. ☐ Fee for processing an application filed with  
a specification in a non-English language  
(37 C.F.R. Sections 1.17(k) and 1.52(d)--\$130) \$ \_\_\_\_\_
6. ☐ Fee for processing and retention of application  
(37 C.F.R. Sections 1.21(l) and 1.53(d)--\$130) \$ \_\_\_\_\_

*NOTE: 37 C.F.R. Section 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. Section 1.53(f) and this, as well as, the changes to 37 C.F.R. Section 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of Section 1.21(l) within 1 year of notification under Section 1.53(f) must be paid.*

7. ☐ Assignment (See "ASSIGNMENT COVER SHEET") \$ \_\_\_\_\_

Total completion fees \$ 732.00

VII.

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

- | Extension<br>(months)                 | Fee for other than<br>small entity | Fee for<br>small entity |
|---------------------------------------|------------------------------------|-------------------------|
| <input type="checkbox"/> one month    | \$ 110.00                          | \$ 55.00                |
| <input type="checkbox"/> two months   | \$ 400.00                          | \$200.00                |
| <input type="checkbox"/> three months | \$ 920.00                          | \$460.00                |
| <input type="checkbox"/> four months  | \$1,440.00                         | \$720.00                |

If an additional extension of time is required, please consider this a petition therefor.

[ ] An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

**OR**

- TOTAL FEE DUE**

## VIII.

Completion fee(s) \$ 732.00  
Extension fee (if any) \$ \_\_\_\_\_

Total Fee Due \$ 732.00

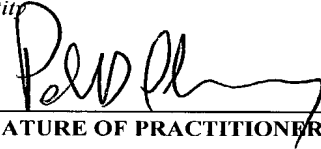


*NOTE. "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under Section 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in Section 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission " 37 C.F.R. Section 1.136(a)(3).*

[X] 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

*NOTE. Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance 37 C.F.R. Section 1.311(b)*

*NOTE 37 C.F.R. Section 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application prior to paying, or at the time of paying . . . issue fee . . ." From the wording of 37 C.F.R. Section 1.28(b) (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity*



SIGNATURE OF PRACTITIONER

Reg. No.: 27,885

PETER D. GALLOWAY

(type or print name of practitioner)

Tel. No.: (212) 708-1905

P.O. Address

Customer No.: 00140

c/o Ladas & Parry  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/083,716	02/25/2002	Fred Oswald	U 013886-1

00140  
LADAS & PARRY  
26 WEST 61ST STREET  
NEW YORK, NY 10023

CONFIRMATION NO. 3965

## FORMALITIES LETTER



\*OC000000007705144\*

Date Mailed: 03/25/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- Total additional claim fee(s) for this application is \$297.
  - \$171 for 19 total claims over 20.
  - \$126 for 3 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 732.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.


The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
  - Drawings must be reasonably free from erasures and must be free from alterations, overwritings, interlineations, folds, and copy marks.

05/31/2002 5555H1 00000044 10083716  
01 FC:201 370.00 DP  
02 FC:203 171.00 DP  
03 FC:202 126.00 DP  
04 FC:205 65.00 DP



*A copy of this notice MUST be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY